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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 26th August, 1966:—

BILL No. 53 OF 1966

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1966. **Short title and commencement.**

(*2*) It shall come into force at once.

Insertion of new article 125A.

2. After article 125 of the Constitution, the following article shall be inserted, namely:—

Prohibition as to the holding of offices by Judges of Supreme Court on ceasing to be such Judges.

"125A. On ceasing to hold office, the Chief Justice of India and every other Judge of the Supreme Court shall be ineligible for further employment either under the Government of India or under the Government of a State, except in accordance with the provisions of article 128."

Insertion of new article 221A.

3. After article 221 of the Constitution, the following article shall be inserted, namely:—

Prohibition as to the holding of offices by Judges of High Courts on ceasing to be such Judges.

"221A. On ceasing to hold office, the Chief Justice and every other Judge of a High Court shall be eligible for appointment as the Chief Justice of India or as a Judge of the Supreme Court or for appointment in accordance with the provisions of articles 127 and 128, but not for any other employment under the Government of India or under the Government of a State."

STATEMENT OF OBJECTS AND REASONS

In order to maintain and promote the independence of the Judiciary, particularly the Judges of the Supreme Court and High Courts, it is indubitably necessary to ensure that much Judges do not look forward to other Government employment after their retirement. The Constitution has rightly imposed a ban on further employment, either by the Union Government or a State Government, of the Chairman and members of the Union Public Service Commission, as also the Comptroller and Auditor General of India, after they have ceased to hold office. Restrictions of similar nature have been imposed on the Chairman and members of State Public Service Commissions.

2. In view of certain unsavoury happenings in recent years, it is imperative to safeguard the independence of Supreme Court and High Court Judges by enacting a similar provision barring their further employment under the Government of India or under the Government of a State.

3. The first Law Commission presided over by Shri M. C. Setalvad had made recommendations on more or less the same lines, but it is regrettable that no action has so far been taken thereon.

4. I am convinced that the continuation of the unhealthy practice of re-employing retired Judges under Government will insidiously erode the prestige and dignity no less than gravely imperil the integrity and independence of the superior judiciary. The Supreme Court and High Court must serve as the impregnable bastions of democracy in India.

5. This Bill seeks to achieve the above object.

NEW DELHI;
The 26th July, 1966.

HARI VISHNU KAMATH.

S. L. SHAKDHER,
Secretary.

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